

# **EXHIBIT B**

1 12/17/2024 - MARK ZUCKERBERG

2 UNOFFICIAL DRAFT TRANSCRIPT

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21 not to be duplicated or sold to other persons or  
22 businesses. It is not to be read by the witness or  
23 quoted in any pleading, or for any other purpose,

11 although, I'm not sure I could name any specific  
12 ones right now.

13 Q. In terms of Meta's policy, does Meta have  
14 a policy against downloading materials from websites  
15 that are known to contain copyrighted materials for  
16 which they do not have licenses?

17 ATTORNEY GHAJAR: Objection. Lacks  
18 foundation. Vague.

19 THE WITNESS: I'm not sure if we have a  
20 specific policy around that or if it's just a  
21 broader ethics policy around how we should think  
22 about using data and who we work with more broadly.

23 BY ATTORNEY BOIES:

24 Q. Would you agree, as the CEO of Meta, that  
25 Meta should not be using websites that web -- that

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1 Meta knows contains illegally pirated copyright  
2 materials?

3 ATTORNEY GHAJAR: Objection. Vague. Also  
4 assumes facts not in evidence.

5 THE WITNESS: I mean, on its face, that  
6 seems like a reasonable thing to say, but I think  
7 you would want to think through the nuances of it a

8 little bit more.

9 For example, YouTube, I think, may end up  
10 hosting some stuff that people pirate for some  
11 period of time, but YouTube is trying to take that  
12 stuff down. And the vast majority of the stuff on  
13 YouTube, I would assume, is kind of good and they  
14 have the license to do. So would I want to have a  
15 policy against people using YouTube because some of  
16 the content may be copyrighted? No, that doesn't  
17 seem reasonable. But I understand the question that  
18 you're asking.

19 BY ATTORNEY BOIES:

20 Q. Yeah. The question I'm asking really is  
21 if you have a website or source that contains  
22 copyrighted materials that they do not have a  
23 license for and they intentionally are making  
24 unlicensed copyrighted materials available to the  
25 public, would you agree, as the CEO of Meta, that

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1 Meta should not be downloading materials from  
2 websites like that?

3 ATTORNEY GHAJAR: Objection. Vague. Also

4 an incomplete hypothetical. Assumes facts.

5 THE WITNESS: Yeah, I mean, it's -- I  
6 think it's -- it's --

7 You know, I mean the way that you frame  
8 it, it seems like that's something that we should be  
9 pretty careful about, but I think when you get into  
10 the nuances, it's hard to assess what people's  
11 intent is.

12 You know, I mean, going back to the  
13 YouTube example before, where I think that there's  
14 some percent of the content is probably stuff that  
15 they don't have copyright or don't have the license  
16 to distribute. Early on, I think that people did  
17 make some assertions about YouTube's intent on this,  
18 and they were less mature about developing their IP  
19 rights management.

20 But even then, I don't think that I  
21 would've said that I wouldn't want people at Meta  
22 not to use YouTube, at that point. So -- so I don't  
23 know.

24 I just think it's -- I think what you're  
25 saying -- I think it kind of -- the way you're

1 characterizing it, it sort of broadly seems like,  
2 yes, that seems like a bad thing. But I just am --  
3 I want to be caution about making a blanket  
4 statement about policies, and this is why we have  
5 teams who think through this carefully because there  
6 are often more nuances than is kind of apparent the  
7 first -- in, like, when you just think about it, at  
8 first blush.

9 BY ATTORNEY BOIES:

10 Q. When you say "that seems like a bad  
11 thing," what are you referring to?

12 A. Your characterization of it. You know,  
13 if -- if there's a -- somebody who's providing a  
14 website and they're intentionally trying to violate  
15 people's rights, than, yeah. I mean, I think that  
16 the behavior that you're describing, obviously,  
17 seems like it's something that we would want to be  
18 cautious about or careful about how we engaged with  
19 it or maybe prevent our teams from engaging with it.

20 But I just think it requires a little bit  
21 further analysis before I can issue sort of like a  
22 blanket assessment of what our policy should be,  
23 because I think -- you know, this is the example I  
24 was giving around YouTube right now.

25 I think even just a couple minutes of



1 thinking through what's cases might be around that  
2 highlights why there are cases where having such a  
3 blanket ban might not be the right thing to do.

4 Q. I'm trying to focus not on YouTube, which  
5 you keep coming back to. I'm trying to focus on  
6 websites like LibGen, and I'm trying to talk about  
7 it generally, because you say you've never heard of  
8 LibGen.

9 And what I'm asking about is, if you've  
10 got a website that, on its face, purports to  
11 distribute copyrighted materials for which there is  
12 no license -- which, obviously, is not what YouTube  
13 does -- would you agree that either as a matter of  
14 law or ethics, you would not want Meta trafficking  
15 with that website?

16 ATTORNEY GHAJAR: Objection. The  
17 question's vague. Incomplete hypothetical.

18 THE WITNESS: Yeah, I mean, I get that  
19 you're trying to get me to give an opinion on  
20 LibGen, which I haven't really heard of.

21 BY ATTORNEY BOIES:

22 Q. No I'm saying you haven't heard of

23 LibGen --

24 A. No, things like it. Things like it. I

25 understand what you're saying. It's just a little

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1 hard for me to weigh in on that without looking at

2 the nuances of that case.

3 And the YouTube example, I just keep

4 raising because it's an example of a thing that --

5 of a product that over time I think people have

6 alleged have been potentially willful and not doing

7 enough to suppress or kind of clean up copyrighted

8 content and -- so I'm just trying to be careful,

9 because rather than having a conversation in some

10 sort of like absolute about how we would handle that

11 kind of case, I think I'd -- I just would want to

12 have some more time to think through it. I'd want

13 our policy team to think through it. And I also

14 think it makes sense to look at the specifics of the

15 case because -- I mean, I think some people may

16 allege that YouTube fits the characteristics of what

17 you're saying too, and that's an example of the type

18 of website that I would probably not think that we



19 should bend from using.

20 But I get that you're trying to ask about  
21 something different. It's just that I don't have  
22 knowledge of that specific thing.

23 Q. I am asking a different question, and you  
24 know perfectly well that YouTube does not purport to  
25 be in the business of distributing copyrighted

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1 materials for which it has no license; correct, sir?

2 A. Yes. So you're saying that another  
3 website goes out of its way to communicate that it's  
4 distributing illegal materials?

5 Q. Yes, sir.

6 And you certainly agree you don't want to  
7 do business with somebody like that; right?

8 ATTORNEY GHAJAR: Objection. Assumes  
9 facts and incomplete hypothetical.

10 THE WITNESS: I mean, in general if  
11 someone is broadcasting loudly that they're doing  
12 something that is illegal, that would be a pretty  
13 big red flag that I'd want us to look at carefully  
14 before engaging with them in any way.

15                   Now, if in the context of building like a  
16   web crawler or something like that, you know,  
17   it's -- I don't expect the web crawler to understand  
18   the context of each of the -- the websites and maybe  
19   some of it would be included in that so I just want  
20   to be careful about having some kind of, like,  
21   blanket statement on this.

22                   But, yes, if someone is generally  
23   broadcasting and saying "we're doing something  
24   illegal," then I would want my teams to, you know,  
25   be very careful and not just default into using that

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1    thing.

2    BY ATTORNEY BOIES:

3           Q.   I'm talking a little bit more about just  
4   being very careful?

5           A.   About what?

6           Q.   And I'm trying --

7                   I'm talking a little bit more about  
8   just -- than just being careful.

9                   I'm asking you, as the CEO of Meta, what  
10   nuance do you see in downloading materials from a  
11   site that intentionally, and outwardly, says that it

12 is providing copyrighted works for which it has no  
13 license?

14 What's the nuance there, sir?

15 ATTORNEY GHAJAR: Objection. Vague.  
16 Assumes facts.

17 THE WITNESS: You know, I just want to be  
18 careful because in my experience running the company  
19 and dealing with different content policies and  
20 things like that, a lot of things which seem obvious  
21 immediately, upon further inspection and looking at  
22 it from different angles, there are -- there is more  
23 nuance to it. So I'm just sort of saying that in  
24 response to your hypothetical, I think it deserves  
25 more than a knee jerk response even though the way

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1 that you are characterizing it is certainly  
2 something that would be predisposed to look at and  
3 think, "Hey, that looks negative. I'd want to dig  
4 into this."

5 But one example that I just gave a moment  
6 ago is what -- what Spidermate does in crawling.  
7 And we covered this earlier; right? So I think that

8 there's a probably somewhat of a different between  
9 the team making an intentional decision to go out  
10 and engage with, or partner with, a website that  
11 is -- purports to be, kind of, blatantly doing  
12 something illegal as opposed to something like  
13 Spidermate where the goal of it is crawl the web.  
14 And it's not -- it's not making an assessment of  
15 whether the content on any given website is legal or  
16 harmful or anything. It basically is downloading  
17 and making -- doing a web crawl. And then it's kind  
18 of up for maybe for us later to filter some things  
19 out but in that case we may have a system that is  
20 engaging with a website like that and downloading  
21 that content and that may be something that at least  
22 for the first round of how that product or  
23 technology works you would want it to go crawl that  
24 website even if were doing something that were  
25 illegal and then it would be up the product teams

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1 later to decide whether they would want to include  
2 it in some way.

3 But this is all just sort of an example  
4 of -- I think these things can sometimes end up

5 being more nuanced than they initially seem is  
6 basically the main point that I'm making, but I  
7 agree with your basic point that it seems  
8 problematic and I would look at it with a general,  
9 you know, prejudice or bias up front thinking that  
10 was probably bad, but I think it deserves a little  
11 bit more thought just a, you know, me opining on a  
12 hypothetical here.

13 BY ATTORNEY BOIES:

14 Q. I want to the come back to my question,  
15 but you mentioned Spidermate in this context. And  
16 you mentioned Spidermate crawling the web, including  
17 going to these websites that have the illegal  
18 pirated materials.

19 You could tell Spidermate not to go to  
20 those websites, could you not, sir?

21 ATTORNEY GHAJAR: Objection. Assumes  
22 facts.

23 THE WITNESS: Yes. There are ways --

24 BY ATTORNEY BOIES:

25 Q. Okay.

1           A.    -- to tell Spidermate to not crawl  
2   specific things --

3           Q.    Okay.

4           A.    -- including things like, you know,  
5   robots.txt that, you know, when Spidermate is -- or  
6   any web crawler is crawling, it can read something  
7   in a very specific format that says "Hey, is this  
8   supposed to be crawled or not?"

9                   But I don't think, as it is built today,  
10   Spidermate makes any assessment of the content or  
11   tries to understand the content or summarize it  
12   enough to make a judgment about whether the content  
13   is worthy of being included other than, you know,  
14   whether we basically put it on a block list or  
15   whether some robots.txt says that it shouldn't be  
16   crawled.

17          Q.    When you -- when you refer to the "block  
18   list," what are you referring to?

19          A.    I'm referring to your hypothetical. I'm  
20   not aware that anything like that makes sense. You  
21   were just asking whether we could block something,  
22   and I think that, in theory, it would probably be  
23   easy to make list of domains that we didn't want  
24   Spidermate to crawl, but then we would've needed to  
25   have gone and done that analysis in advance and put



1                   So I -- in this I think there is this  
2     question about, like, an author or a copyright  
3     holder may not want something to be shared -- I  
4     don't know. I think that that's -- it's an  
5     interesting question about whether there's any kind  
6     of public interest in that.

7                   I mean, I think -- and these are -- these  
8     are interesting copyright questions overall that I  
9     think will be maybe resolved through this case, but,  
10    like -- but, you know, as a -- just to take an  
11    analog example -- and I can cut off at any point  
12    that you want.

13    BY ATTORNEY BOIES:

14           Q.   Any time would be good. Because I'm going  
15    to run out of time.

16           A.   Okay. Go for it. I'll stop.

17           Q.   What I'm trying to do is I'm trying to  
18    focus here on --

19                   I accept that you want to have as much  
20    data to train your models as you can, and I accept  
21    that the more data that you have, the better the  
22    models are going to be, and I accept having good

23 models is productive. Okay?

24 What I'm asking you is whether there are  
25 certain standards that you would expect your company

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1 to adhere to in terms of sourcing that data.

2 I mean, just for example, you saw one of  
3 the Meta people saying "we shouldn't use pirated  
4 datasets as a source."

5 Do you agree with that as the CEO?

6 ATTORNEY GHAJAR: Objection. First, the  
7 preamble misstates prior testimony. Second, asked  
8 and answered. Third, vague.

9 THE WITNESS: I think I'd need to  
10 understand it more, but, I mean, in general if  
11 someone's characterizing something as pirated, that  
12 seems like at a minimum a pretty big red flag to  
13 understand whether it's a useful thing.

14 But I just -- I want to avoid a kind of  
15 wholistic, you know, absolute response to this  
16 because I think that there's all these exceptions  
17 where things may be in the public good or you --  
18 and, like, you want to -- you know, even if someone  
19 doesn't want a specific dataset about them or



20 something that they produced to be out there,  
21 there's just a lot of precedent, both in copyright  
22 law and -- just in society more broadly about why it  
23 might be good to use those things. So I guess in  
24 general my view is, yeah, if someone thinks that  
25 something is pirated, that's in general a pretty

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1 negative connotation and a red flag that we should  
2 look into it, and I would want us to do that.  
3 Can I sit here right now and give, like, a  
4 wholistic response that I would want to immediately  
5 ban our use of that without more thorough  
6 consideration of the -- of the pros and cons, of the  
7 nuances of that? I just think that my experience on  
8 this stuff is that this -- sometimes there's more  
9 nuance. Sometimes there isn't and sometimes you  
10 kind of dig in further and you're like, no, this is  
11 just really bad, we shouldn't do it. I'm not saying  
12 that, like, we justify anything. I mean, obviously  
13 there are a lot of things that we decided not to do,  
14 but I guess I just want to be careful about giving  
15 too quick of a knee-jerk reaction to that.